

MILWAUKEE COUNTY ETHICS BOARD

**Thursday April 19, 2007
2:00 P.M.
Courthouse, Room 203-R**

Present: Daniel Hanley, Jr., Chairman
Brother Bob Smith
Rebecca Blemberg- via telephone
Reverend Trinette V. McCray
David Carr

Absent: Paul Linn

Also present: Robert Andrews, Deputy Corporation Counsel

1.0 Roll Call

Roll call was taken. There was a quorum. Paul Linn was absent.

2.0 Approval of the Minutes for the Meeting of February 6, 2007

Brother Bob moved, Mr. Carr seconded, and the Board, by vote (5-0), approved the minutes for the meeting of February 6, 2007 as written.

3.0 Report from the Executive Director

3.1 Status Report for 2007 Statement of Economic Interests Filers

The Board was informed that all 305 filers of Statements of Economic Interests for 2007 had filed. Chairman Hanley asked that the Director of the Department of Audit make certain that all Ethics Board members had filed timely.

3.2 Ethics Board Members Attendance Report 2005 and 2006

The Board members were provided an attendance report for the last two years and reminded that the County Executive considered attendance as a factor when making re-appointments.

3.3 2007 Adopted Ethics Board Budget

The Board was provided with a copy of the 2007 budget and told that funding for operating costs had been cut by about 40%, most of which had to come out of legal services. The 2008 budget target goal called for another \$4,000 cut in services.

3.4 Ethics Board Policy Regarding Co-Initials by Board

The Board has, for several years, discussed making changes regarding the co-signatures on Statements of Economic Interests. Chairman Hanley reminded the Board of the comments made by Hearing Examiner, Michael Hogan, as to the Board's duty to review statements, not only for completeness, but for internal consistency, in order to go back further than three years for investigative purposes. Chairman Hanley thought it had always been the view of the Board that they had to rely on the honesty and thoroughness of the filer. Chairman Hanley noted he had only reviewed a statement of economic interests for completeness and for an affidavit. Rev. McCray stated that it was difficult for a board member to assess when an omission had occurred and usually that only happened when the matter was called to the Board's attention by the media or via a complaint. Mr. Carr noted he preferred a triggering event. The Executive Director noted that one reason the Board had reviewed all statements of economic interests was so that board members were familiar with a standard filing and with the form itself. Ms. Blemberg observed that since the Ethics Board members now had to fill out a statement of economic interests themselves, they would be more familiar with the forms on that account.

MOTION: Rev. McCray moved, Brother Bob seconded, and the Board unanimously passed (5-0) a motion that Ethics Board staff shall now review all statements of economic interests filed with the Board for completeness and internal consistency. If a statement of economic interests is incomplete, it shall be called to the attention of the filer for correction, and, if need be, to the attention of the Ethics Board. This policy shall be retroactive to cover all files not co-signed and completed in 2006 and 2005.

3.5 Virchow, Krause & Co. Auditor Comments in the Memorandum of Internal Control Dated December 31, 2005

The Board was reminded that the County's annual auditors had been reviewing Statements of Economic Interests and that there had been criticisms about the Ethics Board regarding the Board's effectiveness in communication and education. The Board then reviewed their education efforts in 2006.

3.6 Annual Report for 2006

The Board was provided with a copy of the annual report for 2006. Chairman Hanley noted that page 4 should be corrected to show ten and not eleven meetings of the Ethics Board.

4.0 Election of Officers

Chairman Hanley opened the floor for nominations for Vice Chair, whose duty it was to replace the Chairman when not available.

MOTION: Rev. McCray nominated Rebecca Blemberg as Vice Chairwoman, and Brother Bob seconded the motion. Chairman Hanley asked that the nominations be closed. The Board then voted unanimously (5-0) that Rebecca Blemberg serve as Vice Chairwoman.

Ms. Blemberg noted that because of her personal situation, she would not be available to attend Ethics Board meetings in June and July of 2007. Chairman Hanley then opened the floor for nominations for Chairman.

MOTION: Rev. McCray nominated Daniel Hanley as Chairman, and Ms. Blemberg seconded the motion. Chairman Hanley asked that the nominations be closed. The Board then voted unanimously (5-0) that Daniel Hanley serve as Chairman.

5.0 Report of the Chairman

- 5.1 Letter Dated January 5, 2007 from County Treasurer Daniel Diliberti, Asking as a Volunteer about the Solicitation of Funds by the Veteran's Service Office for the Families of Veterans. Diliberti Response to the Chairman.

The matter was postponed until later in the meeting. Brother Bob then moved, and Rev. McCray seconded, and the Board by vote (5-0) adjourned into closed session under the provisions of Wisconsin Statutes, Section 19.85 (1)(a) and (g) for the purpose of discussing the request for a confidential advisory. Upon reconvening in open session, the Board directed staff to prepare a written, confidential response.

- 5.2 Ethics Board Letter to the County Clerk to Send Out Notices to Lobbying Principals for Expense Reports and to Hold Over the Investigation of the Zigman Complaint to Allow for the Filing of Rana Development's January 31, 2007 Expense Report.

Chairman Hanley stated that between the written responses provided by County Clerk Mark Ryan and Ethics Executive Director Shields, he considered this matter completed.

- 5.3 Report Back from Corporation Counsel Regarding the Letter Dated September 28, 2006 from the Marketing Firm of Zigman, Joseph and Stephenson, Inc. the Failure to Register and Illegal Lobbying Activities of Rana Development and its representatives, Asif Rana, Randy Crump, Linda Bedford, and H. Carl Mueller

- 5.3.1 Status Report from Corporation Counsel on the Ethics Board Resolution of December 7, 2006 that there was Probable Cause that

Darla Richards May have Violated Section 9.05(2)(l) of the Milwaukee County Ethics Code and that She Should Be Given Notice of this via a Mailed Resolution within 10 Days. Response from Darla Richards.

These matters were postponed until later in the meeting. Brother Bob then moved, and Rev. McCray seconded, and the Board by vote (5-0) adjourned into closed session under the provisions of Wisconsin Statutes, Section 19.85 (1)(a) and (g) for the purpose of discussing a status report from Deputy Corporation Counsel Robert Andrews. Upon reconvening in open session, the Board took no formal action.

5.4 For Information, Ensure the Dissemination of the Ethics Board Action on December 7, 2006 that Corporation Counsel's Legal Opinion of July 2, 2004 to Chairman Holloway no Longer Provided a Safe Harbor Against the Provisions of the Ethics Code and Chairman Holloway's Vote on Section 8 Funding.

Chairman Hanley noted that this matter had been continued from the December 7, 2006 meeting to determine if a specific letter should be sent to Chairman Holloway or a generic letter be disseminated for purposed of education to all County Board Supervisors that they needed to abstain from voting on contracts in which they or their immediate family had a substantial financial interest. Board members McCray and Carr thought, at this point, the only one who needed to be reminded of that point was Chairman Holloway. Corporation Counsel Andrews concurred that it was only necessary to send a letter of resolution to Holloway.

MOTION: Rev. McCray moved, Ms. Blemberg seconded and the Board voted unanimously (5-0) to send a letter of resolution to Chairman Holloway that the July 2, 2004 legal opinion provided by Corporation Counsel Domina did not provide a safe harbor against the provisions of Section 9.06 of the Ethics Code.

Chairman Hanley directed that the Ethics Executive Director transmit the letter of resolution to Chairman Holloway.

5.5 Report Back from Corporation Counsel on the Legal Advisory Regarding the Acceptance of Tickets for Any Events by Persons Subject to the Ethics Code Based on the Recent Opinion to the Marcus Center.

Chairman Hanley reminded the Board that he had requested Corporation Counsel to formulate an overall policy regarding the acceptance of free tickets, following a letter from the Marcus Performing Arts Center, which sought to give supervisors free tickets to a performance preview. Chairman Hanley thought the acceptance of tickets would influence the actions of the elected officials and that that there should be a penalty against both the donor and the recipient.

Mr. Carr moved and Brother Bob seconded a motion to accept Corporation Counsel's advisory opinion as a policy of the Board. Rev. McCray thought that the advisory opinions of Corporation Counsel were not necessarily Ethics Board policies. Corporation Counsel Andrews stated they were essentially the same, if Corporation Counsel's Office had been directed by the Board to write such advisory. Mr. Carr withdrew his motion.

5.6 Letter of Request dated January 16, 2007 from Supervisor Joseph Rice for a New Ethics Board Designee to the County Board's Ethics Code Study Committee

Chairman Hanley stated that he had designated Hannah Dugan as the Board's representative on Supervisor Rice's Ethics Code Study Committee. The Board members did not see a problem, as long as the Committee would be concluding their work shortly. The Board was informed that the Committee work would continue into the fall or later. Mr. Carr stated that he did not think it was appropriate to have someone representing the Ethics Board's interests who no longer was on the Board and attending its meetings. Chairman Hanley assured the Board that the Ethics Board would be kept apprised of the activities of the County Board's Ethics Code Study Committee and directed staff to forward appropriate materials. Deputy Corporation Counsel Andrews stated he was a member of the committee and would keep Ethics members informed of progress. Ethics Board members were free to attend all the study committee meetings, which were public. Chairman Hanley reaffirmed his decision to have Ms. Dugan serve as his designed to the Rice Ethics Work Study Committee. Staff was to provide the Ethics Board members with the Study Committee's meeting schedule and relevant materials.

5.7 Revisions to the Forms for Statements of Economic Interests

Chairman Hanley stated he understood that Supervisor Rice's Ethics Code Study Committee would be studying the revision of the forms and wished to wait for the results before taking further action.

6.0 Committee Reports

Deputy Corporation Counsel Andrews gave an update report on the Rice Ethics Work Study Committee. They were currently focused on improving the proceedings consistent with input from many sources. They were working through the code and making revisions. The committee received staffing funds from the GMC/Milwaukee Foundation for an advisor, Charles Clausen from the Marquette Law department. Mr. Clausen had recently solicited the input from Attorney's Blumenfield, Levinson, and Hogan as to their suggested changes. The District Attorney had given a presentation and their office might be playing an increased role. The complaint process and the form for the Statement of Economic Interests would also be reviewed. There was to be a public hearing on the first draft of legislation in August. The code revisions were expected to be completed for inclusion in the 2008 budget.

7.0 Adjournment

Chairman Hanley asked the Board when they could next meet and the consensus was for Thursday, June 7, 2007, at 2:00 p.m. in Room 203-R. The Board then adjourned.

Respectfully Submitted,

Susan C. Shields

Susan C. Shields, Executive Director